

## Legislative Update: January – August 2004

### Motor Vehicle Code, Commercial Vehicle Violations

#### PROOF OF INSURANCE WAIVER

([MCL 257.328](#)) Permits the court to waive no proof of insurance citations. Effective: May 1, 2004

#### MOVE OVER LAW

([MCL 257.2](#)) Adds road service vehicles to the authorized emergency vehicles for which motorists must move over one lane or slow down per MCL 257.653a, and provides a definition.

Effective: June 2, 2004

#### SIGNAL PREEMPTION DEVICES

([MCL 257.616a](#)) Adds a new section to the Motor Vehicle Code prohibiting the buying, selling, possession, or use of a portable signal preemption device, which is a device capable of remotely changing a traffic light out of sequence. Effective: June 14, 2004

#### HANDICAPPED PARKING ENFORCEMENT

([MCL 257.675d](#)) Allows volunteers working for law enforcement agencies to employ volunteers to enforce handicapped parking law, to allow them to also issue citations for violators who parked in a clearly identified access aisle or access lane that is immediately adjacent to a space designated for parking by people with disabilities, as defined in MCL 257.674

Effective: April 1, 2004

#### COUNTERFEIT I.D. CARD PENALTIES

([MCL 28.295](#)) Increases penalties for reproducing, altering, counterfeiting, forging or duplicating Michigan personal identification card. Effective: September 1, 2004

#### MOTORCYCLE PLATE EXPIRATION

([MCL 257.226](#)) After February 1, 2005, motorcycle license plate expiration dates will change from March 31 to the owner's birthday. Effective: June 23, 2004

#### HAZARDOUS MATERIAL TRANSPORT

([MCL 480.17c](#)) Changes penalties for improper transportation of hazardous materials from misdemeanor to civil infraction unless the violation was intentional or causes injury. Effective: June 24, 2004

#### SCHOOL BUSES

([MCL 257.1815](#), [257.1817](#), [257.1819](#), [257.1855](#)) Amends the Pupil Transportation Act to revise the number and color of signal lights on school buses; requires compliance with federal and state safety standards. Changes certain requirements for discharging pupils. Effective: July 21, 2004

### Criminal Law

#### VULNERABLE ADULT ABUSE

([MCL 750.316](#)) Includes penalties for wrongful death as result of vulnerable adult abuse as felony murder. Effective: June 11, 2004

#### VULNERABLE ADULT TRUSTEE

([MCL 750.174a](#)) Clarifies definition of "persons in a relationship of trust with a vulnerable adult" for embezzlement purposes to include any person who knows or has reason to know that the person is a vulnerable adult. Effective: September 1, 2004

#### MINOR IN POSSESSION OF ALCOHOL

([MCL 436.1703](#)) Clarifies definition of minor in possession as presence of alcohol in the body greater than .02 and modifies penalties for minors in possession. Effective: September 1, 2004

#### FALSE CRIME REPORT

([MCL 750.411a](#)) Revises prohibition against making false crime reports to peace officer, state or local police agency, to include a 9-1-1 operator or government employee authorized to receive crime report. Prohibits "causing" a false bomb threat (i.e. leaving a note in a conspicuous place, but not actually calling in the threat). Effective: July 1, 2004

#### ANTI-HAZING ACT

([MCL 750.411t](#)) Establishes Anti-hazing Act prohibiting hazing at an educational institution. The Act defines hazing as: an intentional, knowing, or reckless act by a person acting alone or with others that is directed against an individual and that endangers the physical health or safety of the individual, done for the purpose of pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization. Effective: August 18, 2004

#### VOYEUR PICTURES

([MCL 750.539j](#)) Prohibits recording a visual image of undergarments, genitalia, buttocks or female breasts under circumstances in which the individual would have a reasonable expectation of privacy. Effective: September 1, 2004

#### VIDEO EAVESDROPPING

([MCL 750.539d](#)) Prohibits and provides penalties for secretly observing, recording or capturing images of an unclad person or a person in his or her undergarments. Effective: September 1, 2004

#### DRUG ADULTERATION PENALTIES (penal code violation)

([MCL 750.16 and 750.18](#)) Increases penalties for knowingly or recklessly adulterating drugs or medicine. Effective: October 5, 2004

#### DRUG ADULTERATION PENALTIES (public health code violation)

([MCL 333.17764](#)) Enhances penalty for adulterating, misbranding or substituting a drug or device with the intent to defraud knowing or intending that the drug or device be used. Effective: October 5, 2004

### Sex Offender Registry

#### SEX OFFENDER REGISTRATION FEE

([MCL 28.724 et seq](#)) Requires a registered sex offender to pay a one-time registration fee of \$35. Effective: October 16, 2004

#### SEX OFFENDER PHOTO

([MCL 28.728](#)) Requires photo of convicted sex offender to be displayed on public sex offender registry (web site). Effective: May 1, 2005

#### SEX OFFENDER REGISTRATION

([MCL 762.11 et seq.](#)) Eliminates sex offender registration requirements for individuals assigned to youthful trainee status after October 1, 2004 if they complete their trainee status. Effective: October 1, 2004

#### JUVENILE SEX OFFENDERS

([MCL 28.722 et seq.](#)) Revises sex offender registration requirements for individuals convicted as a juvenile for committing criminal sexual conduct. Effective: October 1, 2004

## **Weapons Laws**

### **ANTIQUE FIREARM LICENSING**

(MCL [28.432](#), [28.429](#), [28.422](#)) Exempts black powder pistols from permit to purchase and safety inspection requirements. Effective: May 13, 2004

### **PISTOL CARRYING PERMISSION**

(MCL [324.43510](#)) Allows a person to carry a pistol in an area frequented by game if individual has, or is exempt from having, a concealed weapon permit. Effective: June 3, 2004

### **WEAPON LICENSE LANGUAGE**

(MCL [28.425j](#)) Provides for and limits uniform language on certificate of completion for a concealed weapons license. Effective: July 23, 2004

## **Miscellaneous**

### **SNOWMOBILE EQUIPMENT**

(MCL [324.82131](#)) Amends the Natural Resources and Environmental Protection Act to specifically prohibit colored lens caps on snowmobile headlights, except on snowmobiles 25 years old or older. Effective: March 22, 2004

### **VIDEO TESTIMONY DURING PRELIMINARY EXAMINATION**

(MCL [766.11a](#)) Adds a new section to the Code of Criminal Procedure to allow for the testimony of a witness in a preliminary examination to be conducted by telephone, voice, or video conferencing. Effective: March 4, 2004

### **MACKINAC ISLAND PARK DESTRUCTION**

(MCL [324.76505](#), [324.76507](#), and [324.76507a](#)) Establishes penalties for destruction to vegetation or property in Mackinac Island State Park. Effective July 1, 2004